

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS LIABILITY
LITIGATION

MDL No. 0:05-md-01708-DWF-AJB

Case No: 0:07-cv-03825-DWF-AJB

Alexander, et al.
Plaintiff(s)

**MOTION TO WITHDRAW AS
COUNSEL OF RECORD WITHOUT
SUBSTITUTION FOR
PLAINTIFF GREGORY TUCKER**

v.

Guidant Corporation, et al.
Defendant(s).

**MOTION TO WITHDRAW AS COUNSEL OF RECORD WITHOUT
SUBSTITUTION FOR PLAINTIFF GREGORY TUCKER**

Pursuant to Rule 83.7(b) of the Local Rules of the United States District Court for the District of Minnesota, counsel for Gregory Tucker, Brown & Crouppen, P.C.; Seth S. Webb; Aylstock, Witkin, Kreis & Overholtz, PLLC; Barrios, Kingsdorf & Casteix, LLP; Lundy & Davis; Andrus & Boudreaux, PLC; and all other attorneys of record in this matter hereby request the Court and counsel allow for the withdrawal as counsel of record for Gregory Tucker. The undersigned currently are listed as counsel for Gregory Tucker and of counsel and hereby request withdrawal and in support thereof state:

Plaintiff, Gregory Tucker, has failed to respond to any and all of Counsel's several communication attempts regarding the upcoming deadlines in this case. Counsel has sent letters via Federal Express and Certified Mail to Plaintiff's last known address of 22343 Straussburg Ave., Sauk Village, IL 60411. Undersigned counsel has also left numerous messages on Plaintiff's answering machine on at least April 1, 2008, April 8, 2008, April 28, 2008, April 29, 2008, May 1, 2008, and May 15, 2008, to which there was no response. Copy of said letters are attached as Exhibit A.

A copy of this motion will be served upon Plaintiff at his last known address of 22343 Straussburg Ave., Sauk Village, IL 60411.

Dated: June 13, 2008

Respectfully submitted,

BROWN AND CROUPPEN, P.C.

/s/ SETH SHARROCK WEBB

Seth Sharrock Webb, MN Bar No. 0387252

720 Olive Street, Suite 1800

St. Louis, Missouri 63101

314-421-0216

314-421-0359 facsimile

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GREGORY TUCKER

Andrus & Boudreaux, PLC

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Denver, CO 80203

303-376-6360

OF COUNSEL FOR PLAINTIFF

GREGORY TUCKER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Withdraw As Counsel of Record Without Substitution has been filed electronically on this 13th day of June 2008 using the Court's CM/ECF system and sent via USPS Certified Mail to Plaintiff Gregory Tucker at his last known address of:

22343 Strausburg Ave.
Sauk Village, IL 60411

Dated: June 13, 2008

Respectfully submitted,
BROWN AND CROUPPEN, P.C.

/s/ SETH SHARROCK WEBB
Seth Sharrock Webb, MN Bar No. 0387252
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St. Louis, Missouri 63101
314-421-0216
314-421-0359 facsimile
ATTORNEY FOR PLAINTIFF
GREGORY TUCKER

EXHIBIT A

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Kansas City, Missouri
Arnold, Missouri
St. Charles, Missouri
Washington, Missouri
Fairview Heights, Illinois

May 6, 2008

Ronald A. Brown
Terry B. Crouppen
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Ray E. Alexander*
Steven M. Aroesty*
Edward I. Herman*
Jerry Crowder*
James D. Ryan*
John J. Driscoll*
Alvin Andrew Crouppen
Seth S. Webb*†
Steven G. Brown +
Earl W. Hubbs*
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Joseph A. Montecillo
Sam W. Eveland

Frank A. Williams
Of Counsel

John E. Cantalin
Administrator

* Also licensed to practice in Illinois
* Also licensed to practice in New York
§ Also licensed to practice in DC
+ Also licensed to practice in Kansas
† Also licensed to practice in Minnesota
◇ Also licensed to practice in Florida

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gregory Tucker
22343 Straussburg Ave.
Sauk Village IL 60411

RE: Greg Tucker

Dear Mr. Tucker:

I have attempted to reach you in regards to the paperwork that needs to be signed to finalize your Guidant settlement. I left messages on 4/1; 4/8, 4/28; 4/29 & 5/1. We had a deadline date to submit this paperwork to the resolution program of today, May 5, 2008. Fortunately, this deadline has been extended to May 19. This means that we still have an opportunity to keep your claim eligible for settlement. However, if we do not have this paperwork back in our office by May 18, 2008 you have placed your claim in a position to be dismissed and there will be no settlement.

I will work with you to get this paperwork back in but I must hear from you immediately. My number is 800-536-4357. Please call our office as soon as possible so we can coordinate our efforts in getting this taken care of as soon as possible. If I do not hear from you I will assume that you do not wish to participate in this settlement program.

Sincerely,

Laura E. Caimi
Laura E. Caimi
Mass Tort Manager

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Gregory Tucker 5/7/08

BROWN & UPPEN

Attorneys at Law
National Corporation
Gas Building
1001 North Street, Suite 1800
St. Louis, Missouri 63101-2302
TELEPHONE (314) 434-1100
FAX (314) 434-1101
E-MAIL: info@brown-uppen.com
SERVICE REQUESTED



7007 0710 0003 6019 0803

049J62024372

\$05.210

05/07/2008

Mailed From: 63101

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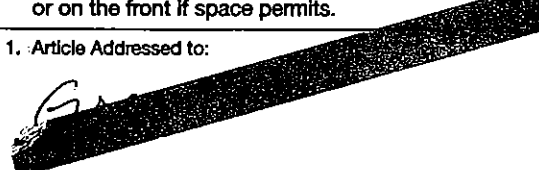

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1st Notice
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[Redacted]

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<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X <div style="text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div>	
		B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to:  <i>Se</i> <i>2</i> <i>2011</i>		Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		<div> <div> <i>ice Type</i> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D. </div> </div>	
2. Article Number 		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		7007 0710 0003 6019 0801 Domestic Return Receipt 102595-02-M-1540	

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Arnold, Missouri
St. Charles, Missouri
Washington, Missouri
Fairview Heights, Illinois
Affiliate Office - Peoria, Illinois

May 15, 2008

Mr. Greg Tucker
22343 Strausburg Ave.
Sauk Village, IL 60411

Re: Guidant Litigation Settlement

Dear Mr. Tucker:

To date we have not received the signed and notarized settlement documents that were previously sent to you via FedEx, which are required to be submitted by May 19, 2008, in order to qualify to receive your settlement funds. You must sign in front of a notary on Friday, May 16 and return to our office the same day. Enclosed you will find **4 documents** including the Master Settlement Agreement, Confidential Release, Indemnity and Assignment, the Claimant's Declaration of Participation and a Medical Care Checklist form for your review.

The Confidential Release must be read and understood, then signed in front of a notary public where indicated by the **"SIGN HERE"** and **"NOTARIZE"** tabs. **NOTE: Failure to have the Confidential Release notarized will result in the rejection of your claim.** The Claimant's Declaration of Participation and Medical Care Checklist are to be signed, but do not have to be notarized. By signing the Declaration of Participation, you are agreeing to accept the settlement. The Master Settlement Agreement, does not have to be signed or returned. This document is yours to keep for your records.

Again, it is imperative to sign the above documents where indicated by the tabs and return to our office no later than May 19, 2008. May 19, 2008 is the deadline for submitting releases, so it is imperative that you send in your settlement documents immediately. As always, if you have any questions contact our office immediately at 800-536-4357.

Sincerely,



Seth Webb

SSW/rms

Enclosures: 1) Master Settlement Agreement, 2) Confidential Release, Indemnity, and Assignment Form, 3) Claimant's Declaration Form, 4) Medical Care Checklist 5) *Federal Express Return Envelope*

Ronald A. Brown
Terry B. Crouppen
Ronald A. Caimi*
Ray E. Alexander*
Steven M. Aroesly*[¶]
Edward I. Herman*
Jerry Crowder*
James D. Ryan*
John J. Driscoll*
Alvin Andrew Crouppen
Seth S. Webb*[†]
Steven G. Brown +
Earl W. Hubbs*
Robert G. Jones*
Timothy A. Kohlenhoefer
Martin A. Klug*[•]
Joseph A. Montecillo
Sam W. Eveland

Frank A. Williams
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Administrator

* Also licensed to practice in Illinois
+ Also licensed to practice in New York
§ Also licensed to practice in DC
+ Also licensed to practice in Kansas
† Also licensed to practice in Minnesota
• Also licensed to practice in Florida

From: Origin ID: CPSA (314)421-0216
 Mass Tort
 Brown and Crouppen, P.C.
 720 Olive Street
 Suite 1800
 St. Louis, MO 63101



CL5128782124

SHIP TO: 800 536-4357

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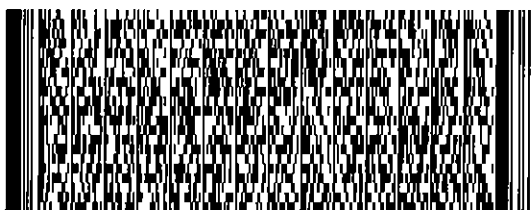
Greg Tucker**22343 STRASSBURG AVE****SAUK VILLAGE, IL 604115722**

Ship Date: 15MAY08
 ActWgt: 1 LB
 System#: 4239065/INET8010
 Account#: S *****

Delivery Address Bar Code



Ref # 66667. Mass Tort. SO PKT
 Invoice #
 PO #
 Dept #

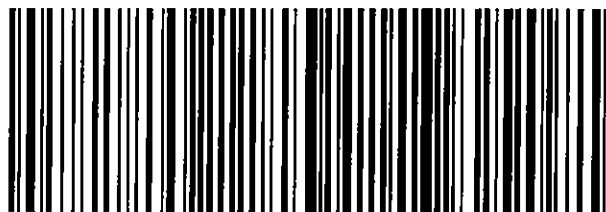


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Signed for by Signature release on file
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Delivery date May 16, 2008 12:40 PM

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Destination PKT
Delivered to SAUK VILLAGE, IL
Service type Residence
Weight Standard Envelope
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Date/Time	Activity	Location	Details
May 16, 2008 12:40 PM	Delivered	SAUK VILLAGE, IL	Left at front door. Package delivered to recipient address - release authorized
7:58 AM	On FedEx vehicle for delivery	SOUTH HOLLAND, IL	
7:12 AM	At local FedEx facility	SOUTH HOLLAND, IL	
7:04 AM	At dest sort facility	CHICAGO, IL	
4:13 AM	Departed FedEx location	INDIANAPOLIS, IN	
1:11 AM	Arrived at FedEx location	INDIANAPOLIS, IN	
May 15, 2008 9:38 PM	Left origin	ST. LOUIS, MO	
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22343 STRASSBURG AVE

SAUK VILLAGE, IL 604115722

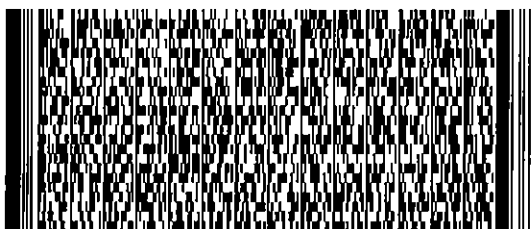


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